

JOSHUA L. DRATEL
LINDSAY A. LEWIS

FATOUMATA MAGASSA
Paralegal

November 2, 2022

BY ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Carlos Melo,
21 Cr. 311 (SHS)

Dear Judge Stein:

This letter is respectfully submitted on behalf of defendant Carlos Melo, whom I represent in the above-entitled matter, and for the reasons set forth below requests an adjournment of 60 days of the date by which Mr. Melo's pretrial motions must be filed (currently November 7, 2022). This is the third request for an extension. I have been in contact with Assistant United States Attorney Kyle A. Wirshba, and he has informed me the government consents to this application, which also includes a corresponding adjustment of the schedule for the government's response and Mr. Melo's reply, and Mr. Melo's consent to exclusion of time pursuant to the Speedy Trial Act.

The discovery process described in my September 21, 2022, letter (ECF # 21) has been continuing, and has produced salutary results that will narrow significantly any discovery requests [or requests for disclosure of exculpatory materials pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963)] that the Court would need to decide as part of Mr. Melo's pretrial motions. However, that process is not complete, and due to the need for translations, some of the recently produced material is not yet available to me in English.

For example, last week the government produced (from Colombian authorities) a handwritten notebook that was seized from Mr. Melo upon his arrest in Colombia. All 82 pages of entries are in Spanish. Likewise, the week before the government produced (again from Colombian authorities) approximately 2,000 of text messages and audio text messages intercepted by Colombian authorities. Those, too, are in Spanish, and the defense is working with the government in an effort to make those texts accessible in a manner that will permit

translation by the most efficient and cost-effective (for CJA budgetary purposes) method available.

In addition, today the government provided me with a warrant to search a cell phone seized by Colombian authorities. The 60-day adjournment would accommodate the time the government anticipates will be needed to provide the contents of that phone, and for the defense to incorporate any relevant information in Mr. Melo's pretrial motions. Of course, the adjournment would also permit me to review the 37-page warrant application in the context of any pertinent motion related to the warrant.

These materials will likely have a material on substantive and other motions Mr. Melo intends to file (and which I have been preparing). The adjournment will also allow a further narrowing of the discovery (if any) and *Brady* requests that will be included in those pretrial motions.

As a result, at this point both Mr. Melo and the government believe it would be more productive to complete the remaining production before presenting fewer and far more precise issues for the Court that require adjudication, and would at least reduce if not eliminate the need for an alternative means of seeking the materials that could be far more protracted.

The revised motion schedule would be as follows:

Mr. Melo's motions:	January 6, 2023
Government's response:	January 27, 2023
Mr. Melo's reply:	February 6, 2023

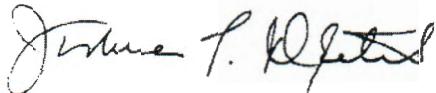
Also, presently a pretrial conference is scheduled for December 16, 2022, at 11 a.m. That conference would also have to be adjourned if the Court grants this request to revise the motion schedule. In that context, Mr. Melo consents to exclusion of time (for purposes of the Speedy Trial clock) until either his files his pretrial motions (which would toll that clock) or the date of the pretrial conference.

LAW OFFICES OF
DRATEL & LEWIS

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
November 2, 2022
Page 3 of 3

Accordingly it is respectfully requested that the Court extend for 60 days (from November 7, 2022) the time for filing of Mr. Melo's pretrial motions, with corresponding revisions to the schedule for the government's response and Mr. Melo's reply, as well as the pretrial conference, as set forth above. As noted *ante*, the government consents to this application.

Respectfully submitted,



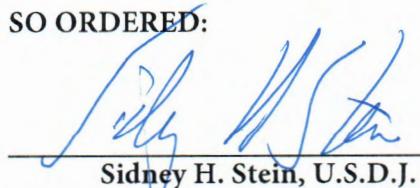
Joshua L. Dratel

JLD/

The motion schedule as set forth in this letter is granted. The conference is adjourned to February 22, 2023, at 2:30 p.m. The time is excluded from calculation under the Speedy Trial Act from today until February 22 2023. The Court finds that the ends of justice served by this *continuance* outweigh the best interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. 3161(h)(7)(A). *No further adjournments.*

Dated: New York, New York
November 7, 2022

SO ORDERED:



Sidney H. Stein, U.S.D.J.